

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

Case No. 5557
 Date Filed 7/7/06
 Hearing Date _____
 Receipt _____
 Fee \$650.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction
☒ Special Development Approval

CASE 5557 MAP 41 TYPE Special Development/Variance
 ELECTION DISTRICT 03 LOCATION 1310 East Churchville Road, Bel Air
 BY James and Stephanie Edwards, 210 East Broadway, Bel Air 21014
 Appealed because a special development pursuant to Sec. 267-47.1 of the Harford
 County Code to permit the conversion of an existing residence to a professional office use
 and a variance pursuant to Sec. 267.45(E) to permit professional office use which is not
 served by public sewer in the RO District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name James R. Edwards, II Phone Number Call Attorney

Address 210 East Broadway, Bel Air, Maryland 21014
Street Number Street City State Zip Code

Co-Applicant Stephanie Edwards Phone Number Call Attorney

Address 210 East Broadway, Bel Air, Maryland 21014
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Rev. 12/02

Land Description

Address and Location of Property 1310 East Churchville Road in Bel Air, MD, East of Bel Air

Subdivision -- Lot Number --

Acreage/Lot Size apx. 0.45 Acres Election District 03 Zoning RO

Tax Map No. 41 Grid No. 4D Parcel 422 Water/Sewer: PRIVATE

List ALL structures on property and current use: one single family dwelling and one small detached shed

Estimated time required to present case: thirty minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) miles of any incorporated town limits? Yes No X

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

19 : 6/30/06
14 : 8448
208229

ATTACHMENT OF BOARD OF APPEALS APPLICATION
JAMES R. EDWARDS, II and STEPHANIE EDWARDS

REQUEST

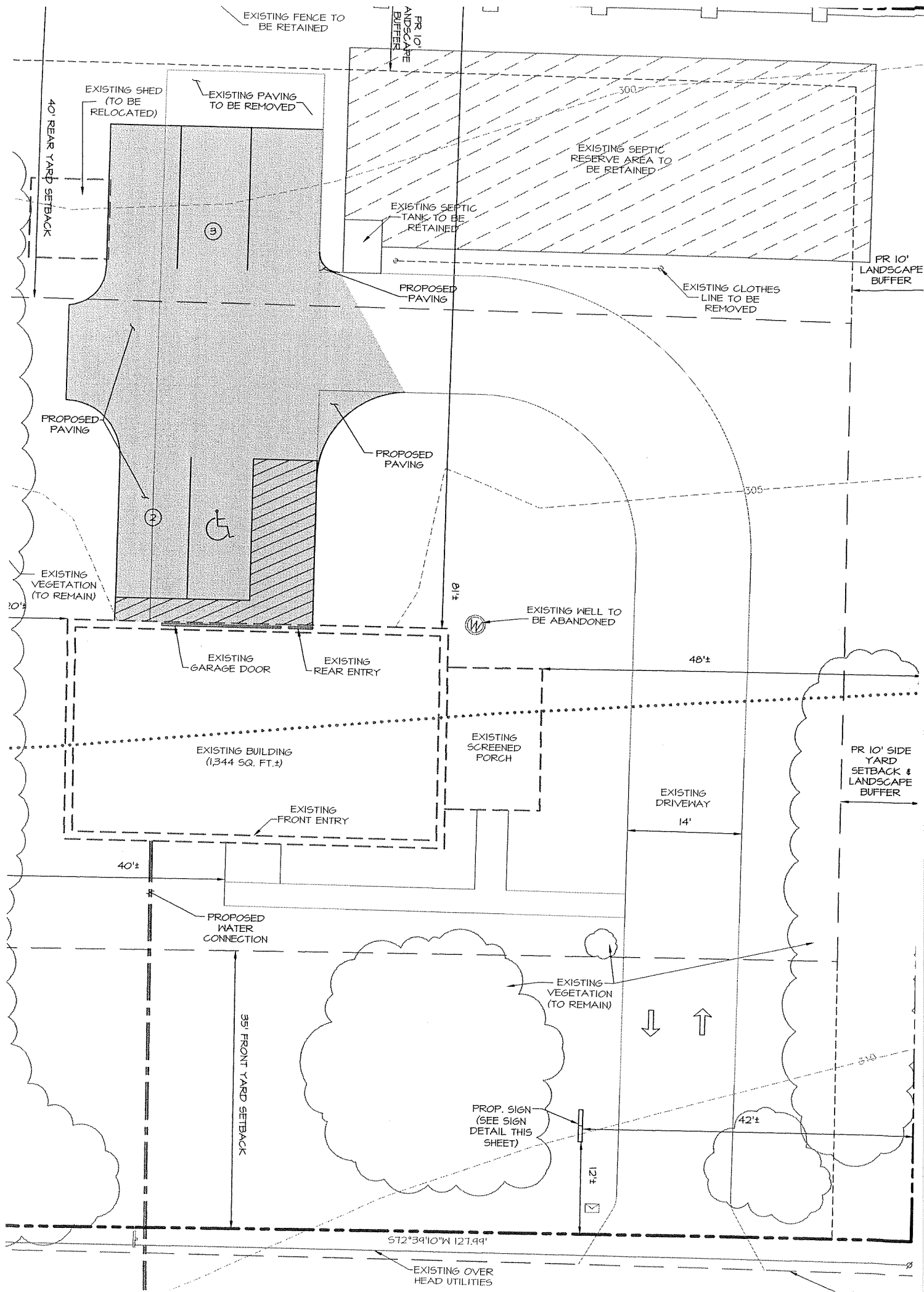
1. Special development approval pursuant to Section 267-36.1 to allow the conversion of an existing residence to a professional office use in the RO zone.
2. Variance from the requirements of Section 267.45(E) to allow professional office use in the RO zone which is not served by public sewer.

JUSTIFICATION

The subject property is zoned RO and is located on Route 22 just west of the intersection with Moores Mill Road. The subject property is slightly under a half acre in size and currently improved by a 1,160 square foot single-family dwelling as well as a small detached shed. The Applicants are not proposing any additions to the existing structure.

Several surrounding properties have already been converted or developed for commercial or office uses. The subject property is not appropriate for residential use. The proposed plan meets all of the special development requirements for conversion to professional office uses with the exception of access to public sewer. The subject property is currently served by a well and not by public water. However, public water is available at curbside and the applicant is fully prepared to hook into that system once the requested approval is obtained. Public sewer lines are located at a substantial distance from the subject property and the intervening property owner will not grant a utility easement to the Applicants or Harford County.

The subject property is unique in that, although access to public sewer is theoretically possible, engineering and cost obstacles make it virtually impossible to connect. Other properties in the vicinity of the subject property have been permitted to convert to office use without the requirement of accessing public sewer. The requested variance would not adversely affect the surrounding properties and would provide for needed office space in the community.



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 2, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5557

APPLICANT/OWNER: James R. Edwards, II
210 East Broadway, Bel Air, Maryland 21014

Co-APPLICANT: Stephanie Edwards
210 East Broadway, Bel Air, Maryland 21014

REPRESENTATIVE: Kevin J. Mahoney, Esquire
11 South Main Street, Bel Air, Maryland 21014

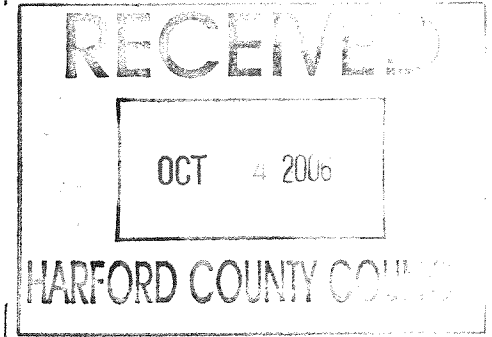
LOCATION: 1310 East Churchville Road
Tax Map: 41 / Grid: 422 / Parcel: 422
Election District: Three (3)

ACREAGE: 0.45 acres

ZONING: RO/Residential Office

DATE FILED: July 7, 2006

HEARING DATE: October 16, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting Special Development approval pursuant to Sec. 267-47.1 of the Harford County Code to permit the conversion of an existing residence to a professional office

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 2 of 8

use, and a *variance* pursuant to Section 267-45(E) of the Harford County Code to permit a professional office use which is not served by public sewer in the RO/Residential Office District.

Section 267-47.1.

Section 267-47.1 will be discussed in detail later in the report.

Section 267-45E of the Harford County Code reads:

- E. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located east of Bel Air on the north side of Churchville Road (MD Route 22) approximately 630 feet east of Moores Mill Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. There are Neighborhood Centers located to the east and west of the subject property. The Natural Features Map reflects Sensitive Species Projects Review Areas and stream systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

***Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the 2004 Master Plan. Residential uses include conventional single-family dwellings, apartments, townhouses and condominiums. Commercial uses include shopping centers, individual retail businesses and service uses. The topography of the area ranges from rolling to steep especially near and along stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 6 and 7).

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 3 of 8

The Applicants property is approximately 0.45 acres in size and fronts on the north side of Churchville Road (MD Route 22). It is 2 lots east of the Freedom Federal Bank. Improvements consist of a single family dwelling with a one car garage in the basement of the dwelling. The topography slopes gently down from the front of the house to the rear, leveling off near the rear property line. Other improvements consist of a frame shed in the left rear corner of the lot and a blacktop driveway with a parking and turning area to the rear of the dwelling. The lot is presently served by a private well and septic system. Public water is available and the Applicants are prepared to connect if they receive Board approval. Along the left or west side of the lot are very large trees that screen the property. There are large mature trees and shrubbery located in the front yard. Across the rear of the property is a 6 foot solid board privacy fence. Enclosed with the report are site photographs along with an enlargement of the area photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office, R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned RO/Residential Office, as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicants are requesting Special Development approval pursuant to Sec. 267-47.1 of the Harford County Code to permit the conversion of an existing residence to a professional office use, and a *variance* pursuant to Section 267-45(E) of the Harford County Code to permit a professional office use which is not served by public sewer in the RO/Residential Office District.

Section 267-47.1.

- A. *Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purposed of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.*

The Applicant proposes to use the house for a professional office.

- B. *Development standards.*

- (1) *Design. An architectural rendering of the building facade and elevation of the structure shall be submitted to the Board. The rendering shall demonstrate how the project meets the following standards and objectives:*

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 4 of 8

- (a) *Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and materials used in construction.*

According to the Applicants there will be no external modification to the existing dwelling.

- (b) *Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.*

Not applicable to this request.

- (c) *Design requirements. See Design Table VIIA.*

The existing dwelling meets the required setbacks and conforms to the design standards pursuant to Design Table VIIA of the Harford County Code (Attachment 11).

- (2) *Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.*

The site plan shows that the Applicants can meet this requirement.

- (3) *Use limitations. The uses permitted under this section shall comply with the following:*

- (a) *Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading or as otherwise permitted.*

The proposed use is professional offices. There will be no outside use or storage on site except for parking.

- (b) *Storage restriction. The outside storage of material or equipment shall not be permitted.*

There will be no outside storage.

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 5 of 8

- (c) *Screening requirements. Parking, loading, unloading or other outdoor activity shall be screened from adjacent residential lots. Screening shall consist of landscaping, walls or solid fencing at least 6 feet high which shall be continuous to prevent visibility of the area.*

The property contains mature trees and shrubbery in the front of the dwelling and along the entire western side property line. The existing trees and dwelling screen the parking from the west side and the road. Additional trees will need to be planted along the eastern side property line in order to screen the parking from the adjacent residential lot and use.

- (d) *Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.*

The Applicants will be required to meet this condition.

- (4) *Landscaping. The landscaping shall, to the extent possible, preserve unique features and mature vegetation, especially large trees. Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with Section 267-28 of this chapter. A landscaping plan shall be submitted to the Board for review and approval.*

The Applicants site plan shows existing landscaping that will remain. Additional landscaping is needed along the easterly side property line. A landscaping plan must be presented to the Hearing Examiner.

- (5) *Outside lighting. Outside lighting shall be so shaded, shielded, directed or maintained so that the lighting does not cause a glare or reflection on adjacent residential lots.*

No outside lighting is proposed at this time. If in the future, the Applicants decide to utilize security lighting, it will need to be reviewed and approved by the Department of Planning and Zoning. The Applicants are required to direct any lighting down and onto the site avoiding glare and reflection on to adjacent residential properties and Churchville Road.

- (6) *Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.*

Ingress and egress is limited to one access point located to the right or eastside of the lot. The design of the entrance onto Churchville Road for a commercial entrance will be subject to State Highways requirements. The driveway will need to be widened to a minimum of 20 feet to allow for two way traffic flow.

Section 267-9I:

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 6 of 8

- (1) *The number of persons living or working in the immediate area.*

This area of the County contains a mix of residential, institutional and commercial uses that range from individual retail to shopping centers. The proposed use should have no adverse impact on persons living or working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts on Churchville Road (MD Route 22) which is a State owned and maintained highway. Sight distance from the proposed entrance is good in both directions. The proposed use will not adversely impact traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The Applicants propose to convert the existing dwelling to professional offices which is a permitted use in the RO/Residential Office District. They are seeking a variance from the requirement that the property be connected to public sewer. There is sewer in the area but to extend it to the subject property at this time would be cost prohibitive. Professional offices in the area would be compatible to the other uses in this community. The proposed conversion of the existing dwelling would be compatible with the other residences in the area.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no adverse impact on the surrounding community based on the issues listed in this subsection.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air Volunteer Fire Companies will provide fire protection. The Applicants will connect to public water and continue to utilize the onsite septic system. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The requested use is consistent with generally accepted planning principals and practices.

STAFF REPORT

Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 7 of 8

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are schools and churches in the vicinity of the subject property however, the proposal should have no adverse impact on these uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is compatible with the existing zoning and the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use should have little or no environmental impact.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to this request.

Section 267-45(E):

- F. *The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.*

The Department finds that the requested variance is justified. The Applicants would not typically be required to connect to public sewer at this time. There is sewer available on the south side of MD 22. This would not be the preferred method for providing sewer to this lot and the adjacent properties. There is also sewer to the west at the Freedom Federal property however; at the present there are right of way issues prohibiting the extension at this time. In the future a gravity sewer line should be extended from the Freedom Federal Bank property to the west to serve the properties along the north side of MD 22.

The Department of Public Works issued a statement in a memorandum dated August 24, 2006 (Attachment 12).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants obtain all necessary permits and inspections for the conversion of the existing structure.

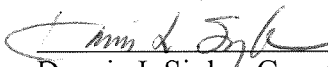
STAFF REPORT


Board of Appeals Case Number 5557

James & Stephanie Edwards

Page 8 of 8

2. The Applicants shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee. The site plan shall include a final landscaping plan and lighting plan.
3. The Applicants shall connect to public sewer when it becomes available. The determination of these requirements shall be at the discretion of the Department of Public Works or the Health Department. If, in the future, a sewer petition is developed for this area the applicants shall support the petition.
4. The Applicants shall comply with all Health Department regulations pertaining to the use of an onsite septic system.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf